

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DISTRICT**

ARBITRON, INC.

PLAINTIFF

V.

CIVIL ACTION NO.: 1:09mc320 HSO-JMR

**TRALYN BROADCASTING, INC.,
JMD, INC., d/b/a WLNF-FM/WROA-AM/
WZKX-FM/WGCM-AM-FM**

DEFENDANTS

**GARNISHEE' ANSWER TO WRIT OF GARNISHMENT
UNDER OATH AND MOTION TO BRING IN THIRD PARTY**

COMES NOW the Garnishee Defendant, John Morgan Dowdy, d/b/a Coast Radio Group, and for his answer to the Writ of Garnishment against the property of JMD, Inc., d/b/a WLNF-FM/WROA-AM/WZKX-FM/WGCM-AM-FM, the Garnishee would show as follows:

- A. The Garnishee John Morgan Dowdy, d/b/a Coast Radio Group is not indebted to the Defendant, nor has at any time since been so indebted;
- B. The Garnishee has no effects or property of the Defendant in his possession, and knows of no other person who is indebted to the Defendant, or who has effects or property of the Defendant in his or its possession, nor has the Garnishee Defendant had effects of the Defendants in its possession or under its control since;
- C. The Garnishee does not know of believe that any other person is indebted to the Defendant;
- D. That no other person has effects of the Defendant in its possession or under its control, except the People's Bank of Biloxi, Mississippi, which, by virtue of a security interest in all asset of JMD, Inc., which is more fully set forth herein below.

Having answered the Writ of Garnishment, the Garnishee asks that under Section 11-35-41, Mississippi Code Annotated, the People's Bank of Biloxi, Mississippi be brought in as a third party.

In support of the Garnishee's motion to bring in a third party, the Garnishee would show that he has been notified that People's Bank of Biloxi, Mississippi claims title to or an interest in the debt or property, as described as follows:

ALL THE PROPERTY OF DEBTOR WHICH IS USED OR USEFUL IN THE OPERATION OF RADIO STATIONS WSYE-FM 2214 SOUTH GLOSTER, TUPELO, MISSISSIPPI OR WHEREVER LOCATED WLNF-FM AM) WGCM-AM & FM, 10250 LORRAINE ROAD, GULFPORT, MISSISSIPPI OR WHEREVER LOCATED TOGETHER WITH ALL PROPERTY OF LIKE KIND USED OR USEFUL IN THE OPERATION OF ANY RADIO OR TELEVISION STATION SUBSEQUENTLY ACQUIRED BY DEBTOR INCLUDING WITHOUT LIMITATION:

ALL OF DEBTOR'S INVENTORY, INCLUDING ALL GOODS, MERCHANDISE, RAW MATERIALS, SUPPLIES, BOOKS AND RECORDS, AND OTHER TANGIBLE PERSONAL PROPERTY NOW OWNED OR HEREAFTER ACQUIRED, AND ALL DOCUMENTS NOW AND AT ANY TIME OR TIMES COVERING OR REPRESENTING ANY OF SAID PROPERTY; ALL OF DEBTOR'S ACCOUNTS, ACCOUNTS RECEIVABLE, CONTRACT RECEIVABLES, CONTRACT RIGHTS, NOTES, DRAFTS, ACCEPTANCES, INSTRUMENTS, CHATTEL PAPER AND GENERAL INTANGIBLES, ALL RIGHTS OF ANY KIND TO RECEIVE PAYMENT AND ALL GUARANTEES AND SURETYSHIP AGREEMENTS RELATING THERETO AND ALL SECURITY FOR PAYMENT THEREOF NOW OR HEREAFTER EXISTING OR ARISING; ALL OF DEBTOR'S EQUIPMENT, INCLUDING ALL FURNITURE, FIXTURES, FURNISHINGS, BROADCAST TOWERS AND RELATED FACILITIES AND MACHINERY, ALL VEHICLES AND OTHER ROLLING STOCK AND OTHER GOODS USED IN THE CONDUCT OF DEBTOR'S BUSINESS, NOW OWNED OR HEREAFTER ACQUIRED; ALL OF DEBTOR'S CUSTOMER LISTS, PERMITS, LICENSES, SOFTWARE, DATA STORED ON ELECTRONIC MEDIA, FILES AND RECORDS, GOODWILL, PROPRIETARY OR CONFIDENTIAL INFORMATION, TECHNICAL INFORMATION, PROCEDURES AND KNOWLEDGE, ACCOUNTING INFORMATION, MEDIA IN WHICH INFORMATION OR KNOWLEDGE OR DATA OR RECORDS MAY BE RECORDED OR STORED, TAX REFUNDS, CAUSES OF ACTION, RIGHTS UNDER CONTRACTS, INSTRUMENTS, PROMISSORY NOTES, LETTERS OF CREDIT AND ALL OTHER TYPES OF PROPERTY INCLUDED WITHIN THE TERM "GENERAL INTANGIBLES" AS DEFINED UNDER APPLICABLE LAW, NOW OWNED OR HEREAFTER ACQUIRED; ALL COPYRIGHTS, PATENTS, TRADEMARKS, TRADE NAMES, SERVICE MARKS, LICENSES, PROCESSES, TRADE SECRETS, PERMITS, SLOGANS, MUSIC LIBRARIES, JINGLES, PUBLIC INSPECTION FILES, LOGS, ENGINEERING RECORDS, FEDERAL COMMUNICATION COMMISSION (FCC) APPLICATIONS AND FILINGS, AND ALL RECORDS MAINTAINED BY THE DEBTOR

PURSUANT TO THE RULES AND REGULATIONS OF THE FCC, AND OTHER SIMILAR INTANGIBLE PROPERTY RIGHTS AND INTERESTS APPLIED FOR, ISSUED TO OR OWNED BY THE DEBTOR (INCLUDING ANY AND ALL APPLICATIONS, REGISTRATIONS, EXTENSIONS, AND RENEWALS RELATING THERETO), MEMORABILIA AND AWARDS, ADVERTISING PROMOTIONAL MATERIAL FCC LOGS, AND OTHER BOOKS, RECORDS AND BUSINESS RECORDS INCLUDING WITHOUT LIMITATION ADVERTISING LISTS, FILES AND CORRESPONDENCE, NOW OWNED OR HEREAFTER ACQUIRED; ALL OF THE DEBTOR'S RIGHTS AND INTEREST IN AND TO THE CALL LETTERS WSYE-FM, WLNF-FM AND WGCM-AM & FM OR OTHER CALL LETTERS HEREAFTER AWARDED OR ACQUIRED; ALL LICENSES NOW OWNED OR HEREAFTER ACQUIRED TO BROADCAST RADIO SIGNALS OVER ME AIR GRANTED BY THE FCC UNLESS DEBTOR IS PROHIBITED FROM GRANTING A SECURITY INTEREST THEREIN PURSUANT TO THE COMMUNICATIONS ACT OF 1934, AS AMENDED, AND THE REGULATIONS PROMULGATED THEREUNDER, PROVIDED THAT THE SECURITY INTEREST INCLUDES ANY SUCH LICENSE TO THE EXTENT THAT THE GRANTING OF A SECURITY INTEREST THEREIN IS NOW OR IN THE FUTURE BECOMES LAWFUL; ALL OF DEBTOR'S RIGHTS IN THAT CERTAIN LIFE INSURANCE POLICY ISSUED BY THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, POLICY NUMBER B4037947 ON THE LIFE OF JOHN MORGAN DOWDY IN THE AMOUNT OF \$6,000,000.00. THE PEOPLE'S BANK'S ASSIGNMENT IN THE AMOUNT OF \$1,000,000.00 INCLUDING, BUT NOT LIMITED TO THE RIGHT TO RECEIVE THE PROCEEDS OF INSURANCE AND THE RIGHT TO EXERCISE THE INCIDENTS OF OWNERSHIP OF THE POLICY; BUT WITHOUT LIMITATION ON THE RIGHTS OF SECURED PARTY PURSUANT TO A SEPARATE COLLATERAL ASSIGNMENT OF SUCH POLICY EXECUTED BY DEBTOR TO SECURED PARTY, TOGETHER WITH ALL INCREASES, PARTS, FITTINGS, ACCESSORIES, EQUIPMENT, SPECIAL TOOLS AND ACCESSIONS NOW OR HEREAFTER ATTACHED THERETO OR USED IN CONNECTION THEREWITH, AND ANY AND ALL REPLACEMENTS OF ALL OR ANY PART THEREOF; ALL FURNITURE AND FIXTURES NOW OWNED OR HEREAFTER ACQUIRED; ANY AM) ALL PROCEEDS RECEIVED SHOULD ANY OF THE FOREGOING BE SOLD, EXCHANGED, COLLECTED OR OTHERWISE DISPOSED OF; ANY PRODUCTS NOW OR HEREAFTER MANUFACTURED, PROCESSED, ASSEMBLED OR COMMINGLED FROM ANY OF THE FOREGOING; ANY PROFITS NOW OR HEREAFTER ACQUIRED FROM OR THROUGH ANY OF THE FOREGOING; AND ALL OTHER PROPERTY OF THE SAME CLASS WHETHER NOW OWNED OR HEREAFTER ACQUIRED BY DEBTOR; ASSIGNMENT OF TRANSMISSION TOWER USE CONTRACT AND LEASE AGREEMENT BETWEEN LESSEE, JMD, INC AND LESSOR, COLUMBUS TV, INC. ORIGINALLY DATED JUNE 5, 1990.; IST MORTGAGE DEED OF TRUST ON PROPERTY BRIEFLY DESCRIBED AS THE WEST 1/2 OF SECTION 27, THE SOUTH 3/4 OF SECTION 28, THE SOUTH 3/4 OF SECTION 29, THE SOUTH 1/2 OF SECTION 30, THE NORTHEAST 1/4 OF SECTION 31, THE NORTH 1/2 AND THE SOUTHEAST 1/4 OF SECTION 32, THE NORTH 1/2 OF SECTION 33, AND THE NORTH 1/2 OF SECTION 34, ALL IN TOWNSHIP 3 SOUTH, RANGE 14 WEST, PEARL RIVER COUNTY, MISSISSIPPI; 1,000 SHARES OF COMMON STOCK OF JMD, INC. CERTIFICATE #1 IN THE NAME OF JOHN MORGAN DOWDY.
JMD, INC.

Which the Garnishee represents is a lien document executed by JMD, Inc. in favor or People's Bank of Biloxi, Mississippi.

As required by Section 11-35-41, the Garnishee moves that the Court suspend all further proceedings, and cause a summons to issue to People's Bank of Biloxi to appear and contest with the Plaintiff, the Plaintiff's right to any property of the Defendant, JMD, Inc.

JOHN MORGAN DOWDY, D/B/A
COAST RADIO GROUP

s/J. Morgan Dowdy
JOHN MORGAN DOWDY, D/B/A
COAST RADIO GROUP

SWORN TO AND SUBSCRIBE BEFORE ME this the 27th day of January, 2012.

s/Cindy Ebbes
NOTARY PUBLIC

My Commission Expires:
March 24, 2014

BY: DOWDY COCKERHAM & WATT

s/Wayne Dowdy
WAYNE DOWDY

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CERTIFICATE OF SERVICE

I, Wayne Dowdy, attorney for the Garnishee Defendant, hereby certify that on the 30th day of January, 2012, I electronically filed the above and foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

This the 30th day of January, 2012.

s/ WayneDowdy
WAYNE DOWDY
